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53080 7590 05/14/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, NW WASHINGTON, DC 20005-3096				
EXAMINER				
ELBIN, JESSE A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

***Response to Arguments***

1. Applicant's arguments filed April 29, 2009 have been fully considered but they are not persuasive.

a. Regarding the rejection of claims 1, 4, and 5 under 35 USC §102(b) (p. 5), Examiner maintains that the "second insulating film [is] formed so as to cover upper, lower and side surfaces of the first insulating film". While Examiner agrees that the "second insulating film" ("first plastic film" as taught by Agneus '076) does not physically contact the 'lower surface', the 'lower surface' is still "covered" thereby. The term "covered" does not require the 'covering' object to physically contact all surfaces of the 'covered' object.

b. Applicant argues that "Loeppert applies voltage from a charge pump located outside the device in order to increase sensitivity of the microphones" (p. 6 last paragraph). Examiner respectfully disagrees with this argument, as the quoted section of Loeppert refers to "conventional microphones" and one method of "reduc[ing] the bias voltage...in order to eliminate environmental stability problems with the electret". Loeppert further teaches that a "typical condenser microphone is composed of a voltage bias element, V<sub>bias</sub>, (commonly an electret)" (col. 1 lines 15-16). While Loeppert does not explicitly state the preferred method of biasing the condenser microphone, one of ordinary skill in the art would recognize that Loeppert discloses two common choices. Based on the requirements of the design, it would have been obvious to one of ordinary

skill in the art at the time of the invention to "electretize" the "first insulating film" in order to create the required 'bias' for the condenser microphone.

c. Applicant's argues that "Loeppert fails to recognize the problem of 'absorption of moisture and the like in the air...' (p. 6 last 2 lines). While Examiner respectfully agrees that Loeppert does not specifically address the problem of "absorption of moisture", Examiner respectfully disagrees that the claims require the prior art to acknowledge the problem, as there are no limitations drawn to "absorption of moisture and the like in the air".

d. Applicant argues that "it is clear that the electret film is the film EL, and not the wiring film IL2...[and] the electret film EL is completely exposed to the air, and is not covered by the insulating film". While Examiner agrees that Takeuchi teaches the exposed film "EL" as the "electret film", Examiner respectfully maintains that it would have been obvious to one of ordinary skill in the art, with a minimal amount of experimentation, to easily reverse the configuration taught by Takeuchi, making the 'wiring film' the electretized layer, and the film "EL" the second electrode. Condenser microphones do not require the electretized layer be either stationary or vibratory, they merely require two electrodes separated by a dielectric, with one electrode being electrically 'biased'. Further, it is common for the electret layer to be placed on either the vibrating plate, or the stationary backplate, it is merely a design choice left to one of ordinary skill in the art. As such, it would have been obvious to one of ordinary skill in the art at the time of

the invention to make the film "EL" the "wiring film" and the film "IL2" be the electret.

2. The amendment of claim 1 to include the limitations of claim 4 (and claim 6 to include claim 9) will require further search and/or consideration. While the amendment may overcome the rejections under 35 USC §103 (Loeppert + Takeuchi (claim 1)), the amendment is unlikely to overcome the existing rejections of claims 4 and 9.

/CURTIS KUNTZ/

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